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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,890	08/25/2003	Satoru Watanabe	1405.1075	1244

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/646,890	WATANABE ET AL.
	Examiner	Art Unit	
	C. Michelle Tarae	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 August 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-13</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/25/03</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The following is a Non-Final Office Action in response to the communication

received on August 25, 2003. Claims 1-13 are now pending in this application.

Claim Objections

2.   Claims 6-8 are objected to under 37 CFR 1.75(c) as being in improper form

because a multiple dependent claim cannot depend from any other multiple dependent

claim. See MPEP § 608.01(n). Accordingly, the claims 6-8 have not been further

treated on the merits.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-5 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated

by Patterson, Lois, *Teach Yourself Microsoft Excel® 97 in 24 Hours*, 1997 [hereinafter,

Patterson].

        As per claim 1, Patterson discloses polling method for conducting poll on a

respondent group including at least one or more first respondents and second

respondents, the polling method comprising:

a first question step of presenting a question to a first respondent (pages 359, 365; MS Excel may be used to create surveys/online forms to present questions to users and receive their responses.);

a free reply step of accepting input by a first respondent of an unguided reply ("free reply" hereinafter) to said question (pages 60-61 and 359; Users may input data a variety of ways, including via free form text boxes/cells in which the user may enter any input, thereby constituting an unguided reply.);

a first storage step of storing a free reply input by the first respondent as a reply option to said question (pages 307; The forms created in MS Excel are linked to databases to store the responses.);

a second question step of presenting said question to a second respondent after input of the free reply by the first respondent (pages 359, 365; MS Excel may be used to create surveys/online forms to present questions to users and receive their responses, where the forms may be presented to multiple users.); and

a presentation step of presenting to the second respondent the reply option stored in said first storage step (pages 60-61 and 76; MS Excel provides the "autofill," "autocomplete" and "picking from the list" tools, where a previous entry in a cell may be used to fill in a second entry in another cell.).

As per claim 2, Patterson discloses a polling method according to claim 1, further comprising:

an elective reply step of accepting from a second respondent selection of a reply option presented in said presentation step ("elective reply" hereinafter) and a second

storage step of storing an elective input by the second respondent (page 307; The

forms created in MS Excel are linked to databases to store the responses accepted and

received from the surveys.); and

a compilation step of repeating said first question step, said free reply step, said

first storage step, said second question step, said presentation step, said elective reply

step, and said second storage step, and collecting and compiling elective replies and

free replies from said respondent group (pages 238 and 307-309; For as many input

fields there are in the survey/form, there are matching data fields in the database to

store each reply to each question, thereby enabling multiple responses to be received

and stored from multiple respondents.).

As per claim 3, Patterson discloses a polling method according to claim 1 or 2,

further comprising a first determination step of determining whether or not a free reply

input by a first respondent and a predetermined reply option presented in said

presentation step are substantially the same, wherein said presentation step further

presenting at least one predetermined reply option (pages 60-61 and 76; MS Excel

provides the "autofill," "autocomplete" and "picking from the list" tools, where a previous

entry in a cell may be used to fill in a second entry in another cell. The "autofill,"

"autocomplete" and "picking from the list" tools use an auto-recognition feature to

determine whether the previous entry and the subsequent entry are substantially the

same.).

As per claim 4, Patterson discloses a polling method according to claim 3,

wherein said first storage step stores said free reply as a reply option to said question, if

said first determination step determines that said free reply input by said first

respondent and said predetermined reply option are not substantially the same (pages

60-61 and 76; MS Excel provides the "autofill," "autocomplete" and "picking from the list"

tools, where a previous entry in a cell may be used to fill in a second entry in another

cell. The "picking from the list" tool provides a list of options from several previous

entries when it is determined that there is not a specific data entry pattern.).

     As per claim 5, Patterson discloses a polling method according to claim 3,

wherein:

     if said first determination step determines that said free reply input by said first

respondent is substantially the same as said predetermined reply option, said

compilation step compiles said free reply as an elective reply made by selection of said

predetermined reply option (pages 60-61 and 76; MS Excel provides the "autofill,"

"autocomplete" and "picking from the list" tools, where a previous entry in a cell may be

used to fill in a second entry in another cell. The "autofill," "autocomplete" and "picking

from the list" tools use an auto-recognition feature to determine whether the previous

entry and the subsequent entry are substantially the same. If they are the same and the

user allows the auto-fill to occur, then the entry is submitted and accepted as the user's

input.).

     Claims 10-13 recite substantially similar subject matter to the claims already

rejected above. Therefore, claims 10-13 are rejected on the same basis as claims 1-5

above.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Patterson, Lois, *Teach Yourself Microsoft Excel® 97 in 24 Hours*, 1997 [hereinafter,

Patterson] and Walker et al. (U.S. 6,616,458).

As per claim 9, Patterson does not expressly disclose a polling method according

to either claim 1 or claim 2, further comprising: an iterating step of repeating said first

question step, said free reply step and said first storage step; and a control step in

which said iterating step is terminated, and said presentation step and said second

question step are performed.

Walker et al. discloses an iterating step of repeating said first question step, said

free reply step and said first storage step and a control step in which said iterating step

is terminated, and said presentation step and said second question step are performed

(col. 6, lines 7-25; col. 11, lines 23-32; col. 12, lines 4-18; A surveying methodology is

disclosed in which questions are asked and replies to the questions are received until a

certain criteria is met or there are no more questions, in which the questions are no

longer asked. Additionally, a second question may not be asked until a response to a

first question is received.).

Patterson and Walker et al. are analogous in that both discuss ways of creating

surveys, including asking questions and receiving responses to the questions. At the

time of the invention, it would have been obvious to a person of ordinary skill in the art

to modify Patterson to include the surveying features of Walker et al. as such features

allow a survey administrator to control who the respondents are as well as the order in

which questions are asked, thereby enhancing the data integrity of the survey

responses (Walker et al., col. 3, lines 29-43).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Walker et al. (U.S. 6,093,026) discusses a surveying system;

- Billingsley et al. (U.S. 6,999,987) discusses a surveying system;

- Smith, Jr. et al. (U.S. 6,993,495) discusses dynamically assigning surveys to
  respondents;

- Bonnstetter et al. (U.S. 7,249,372) discusses distributing surveys; and

- DeCotiis et al. (U.S. 2002/0138334) discusses a surveying system that compares
  respondents' responses to the survey.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-

6727. The examiner can normally be reached Monday – Friday from 8:30am to

5:30pm.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz, can be reached at 571-272-6729.

      Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/C. Michelle Tarae/
Primary Examiner, Art Unit 3623

February 1, 2008